

KIRKLAND & ELLIS LLP
KIRKLAND & ELLIS INTERNATIONAL LLP
Joshua A. Sussberg, P.C. (admitted *pro hac vice*)
Emily E. Geier, P.C. (admitted *pro hac vice*)
Derek I. Hunter (admitted *pro hac vice*)
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
joshua.sussberg@kirkland.com
emily.geier@kirkland.com
derek.hunter@kirkland.com

*Proposed Co-Counsel for Debtors and
Debtors in Possession*

COLE SCHOTZ P.C.
Michael D. Sirota, Esq.
Warren A. Usatine, Esq.
Felice R. Yudkin, Esq.
Court Plaza North, 25 Main Street
Hackensack, New Jersey 07601
(201) 489-3000
msirota@coleschotz.com
wusatine@coleschotz.com
fyudkin@coleschotz.com

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

BED BATH & BEYOND INC., *et al.*,
Debtors.¹

Chapter 11

Case No. 23-13359 (VFP)

(Joint Administration Requested)

**NOTICE OF FURTHER EXTENSION OF DATES AND DEADLINES RELATED TO
THE DEBTORS' BIDDING PROCEDURES**

PLEASE TAKE NOTICE that on April 23, 2023, the above-captioned debtors and debtors in possession (collectively, the “Debtors”) filed the *Debtors’ Motion for Entry of an Order (I)(A) Approving the Auction and Bidding Procedures, (B) Approving Stalking Horse Bid Protections, (C) Scheduling Bid Deadlines and an Auction, (D) Approving the Form and Manner of Notice Thereof, (E) Approving the Form APA, and (II)(A) Establishing Notice and Procedures for the Assumption and Assignment of Contracts and Leases, (B) Authorizing the Assumption and*

¹ The last four digits of Debtor Bed Bath & Beyond Inc.’s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor’s tax identification number may be obtained on the website of the Debtors’ proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.’s principal place of business and the Debtors’ service address in these chapter 11 cases is 650 Liberty Avenue, Union, New Jersey 07083.

Assignment of Assumed Contracts, (C) Authorizing the Sale of Assets and (D) Granting Related Relief [Docket No. 29] (the “Bidding Procedures Motion”).²

PLEASE TAKE FURTHER NOTICE that on April 25, 2023, the Court entered the *Order (I) Approving the Auction and Bidding Procedures, (II) Approving Stalking Horse Bid Protections, (III) Scheduling Bid Deadlines and an Auction, (IV) Approving the Form and Manner of Notice Thereof, and (V) Granting Related Relief* [Docket No. 92] (the “Bidding Procedures Order”). The approved bidding procedures (the “Bidding Procedures”) were attached as Exhibit 1 to the Bidding Procedures Order.

PLEASE TAKE FURTHER NOTICE that on May 18, 2023, the Debtors filed a *Notice of Extension of Dates and Deadlines Related to the Debtors’ Bidding Procedures* [Docket No. 392] (the “Notice of Extension”) extending certain dates and deadlines relating to the Bidding Procedures.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Bidding Procedures Order, the Debtors reserve the right to modify the Sale Schedule and Auction date with consultation of the Consultation Parties and upon notice to the Court. Given the need for additional time to ensure the most value maximizing transaction is achieved, and in accordance with the Bidding Procedures Order and following consultation with the Consultation Parties, the Debtors have modified the Bidding Procedures to extend the timeline thereunder. The Debtors reserve their rights to further modify the Bidding Procedures in their reasonable business judgment, after consultation with the Consultation Parties, in a manner consistent with the exercise of their fiduciary duties, and in any

² Capitalized terms used herein but not otherwise defined shall have meanings ascribed to them in the Bidding Procedures Motion.

manner that will best promote the goals of the Bidding Procedures. The Debtors have modified the Bidding Procedures to extend the timeline thereunder as follows:

Sale Timeline

Action	Description	Previous Deadline	New Deadline
Stalking Horse Deadline	The deadline by which the Debtors, in consultation with the Consultation Parties, may select one or more Stalking Horse Bidders with respect to some or all of the Debtors' assets.	June 1, 2023 at 5:00 p.m., prevailing Eastern Time	June 8, 2023 at 5:00 p.m., prevailing Eastern Time
Notice of Potentially Assumed Contracts and Unexpired Leases	The deadline by which the Debtors must file a notice of potentially assumed executory contracts and unexpired leases and associated cure costs	June 2, 2023 at 5:00 p.m. prevailing Eastern Time	June 9, 2023 at 5:00 p.m., prevailing Eastern Time
Final Bid Deadline	The deadline by which all binding bids must be actually received pursuant to the Bidding Procedures.	June 7, 2023 at 12:00 p.m. prevailing Eastern Time	June 14, 2023 at 12:00 p.m., prevailing Eastern Time
Auction	The date and time of the Auction, if one is needed, which will be held at the offices of Kirkland & Ellis LLP, 601 Lexington Avenue, New York, New York 10022.	June 14, 2023 at 10:00 a.m. prevailing Eastern Time, if needed	June 16, 2023 at 10:00 a.m., prevailing Eastern Time, if needed
Sale Objection Deadline	The deadline by which objections to the entry of an order by the Court approving the Sale must be filed with the Court and served so as to be actually received by the appropriate notice parties (the " <u>Sale Objection Deadline</u> ").	June 19, 2023 at 4:00 p.m., prevailing Eastern Time	June 21, 2023 at 4:00 p.m., prevailing Eastern Time
Sale Hearing	The hearing before the Court to consider approval of the successful bid or bids, pursuant to which the Debtors and the winning bidder or bidders will consummate the Sale.	June 21, 2023 at 11:00 a.m. prevailing Eastern Time	June 23, 2023 at 2:00, prevailing Eastern Time, or a soon thereafter as the Debtors may be heard.

The Debtors believe these limited extensions are appropriate and necessary to keep these cases progressing efficiently, while not precluding adequate evaluation of new indications of interest.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Bidding Procedures Order, the Debtors have consulted with the Official Committee of Unsecured Creditors, the DIP Lenders, the Prepetition FILO Agent, the Prepetition ABL Agent, and the United States Trustee, all of whom are supportive of this modest extension.

PLEASE TAKE FURTHER NOTICE that copies of any pleadings filed in the above-captioned chapter 11 cases may be obtained free of charge by visiting the website of Kroll at <http://www.cases.kroll.com/bbby>. You may also obtain copies of any pleadings by visiting the Court's website at <http://www.njb.uscourts.gov> in accordance with the procedures and fees set forth therein.

[Remainder of page intentionally left blank.]

Dated: June 1, 2023

/s/ Michael D. Sirota

COLE SCHOTZ P.C.

Michael D. Sirota, Esq.

Warren A. Usatine, Esq.

Felice R. Yudkin, Esq.

Court Plaza North, 25 Main Street

Hackensack, New Jersey 07601

Telephone: (201) 489-3000

Email: msirota@coleschotz.com

wusatine@coleschotz.com

fyudkin@coleschotz.com

- and -

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

Joshua A. Sussberg, P.C. (admitted *pro hac vice*)

Emily E. Geier, P.C. (admitted *pro hac vice*)

Derek I. Hunter (admitted *pro hac vice*)

601 Lexington Avenue

New York, New York 10022

Telephone: (212) 446-4800

Facsimile: (212) 446-4900

Email: joshua.sussberg@kirkland.com

emily.geier@kirkland.com

derek.hunter@kirkland.com

*Proposed Co-Counsel for Debtors and
Debtors in Possession*